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2025
MONDAY

Court : MB-24
Item : A-04
Status : DO
ID : 266312
AR : NANDY

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 26794 OF 2025

SANJIB KAR
VS.
BANK OF BARODA & ORS.

Mr. Ranjan Kali, Advocate
Mr. Mitul Chakraborty, Advocate
Ms. Payelk Nath, Advocate
Mr. Sagnik Roy Chowdhury, Advocate

.....for the Petitioner

Mr. Dipanjan Datta, Advocate
Mr. Subhajit Chowdhury, Advocate

.....for the Bank of Baroda

1. Affidavit of service, as filed, be kept with the record.
2. The present petition stems from a proceeding initiated under The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, the said Act). Mr. Kali, learned Advocate appearing on behalf of the petitioner submits that even after the petitioner paid off such dues payable to the Bank; the Bank is allegedly not releasing the title deed of the mortgaged property.
3. Mr. Dutta, learned Advocate, appearing for the respondent Bank, submits that the Bank is unsure as to the rights of the petitioner, without taking into account the assent of the two sisters of the petitioner, who are also the heirs of the principal borrower, the petitioner's father.
4. Even though the Bank has issued a no-due certificate of 25.07.2025, Mr. Dutta's submission cannot be ignored. The Bank is willing to hand over the relevant deed of the mortgaged property upon due satisfaction that the petitioner is the only person to receive such document.
5. The petitioner is granted liberty to approach the Bank

with the requisite affidavits from his two sisters along with an indemnity bond executed by the petitioner to safeguard the interest of the Bank that the sisters are not interested to obtain the mortgaged deed. Only after satisfaction of the afore-stated issue, the Bank will hand over the deed to the petitioner.

6. Upon such application along with all requisites being furnished by the petitioner, the Bank will, after considering all the documents, release the deed of the mortgaged property in favour of the petitioner within three weeks from the date of making such application.
7. With the afore-stated observations and directions, **WPA 26794 of 2025 is disposed of.** No order as to costs.

(REETOBROTO KUMAR MITRA, J.)